

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

ANTONIO LEE, :
: Petitioner :
: :
v. : CIVIL NO. 4:17-CV-17-315
: :
WARDEN BALTAZAR, : (Judge Brann)
: :
Respondent :
:

ORDER

April 18, 2017

In accordance with the accompanying Memorandum, **IT IS HEREBY**

ORDERED THAT:

1. Petitioner's request to proceed in forma pauperis is

GRANTED.

2. Lee's habeas corpus petition is **DISMISSED**

WITHOUT PREJUDICE.

3. Petitioner may file a section 2255 motion in the Middle District of Tennessee, or if appropriate, seek authorization from the United States Court of Appeals for the Sixth Circuit for leave to file a second or successive § 2255 petition.

4. The Clerk of Court is directed to **CLOSE** this case.
5. Based on the Court's conclusion herein, there is no basis for the issuance of a certificate of appealability.

BY THE COURT:

s/ Mathew W. Brann
Matthew W. Brann
United States District Judge